

21 C.J.S. Courts § 52

Corpus Juris Secundum | June 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

D. Jurisdiction of Person

3. Tests or Elements Determining Exercise of Personal Jurisdiction

§ 52. Stream of commerce as basis of specific personal jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  13.3(10), 13.3(11)

In stream of commerce cases, a nonresident defendant, acting outside the forum state, places in the stream of commerce a product that ultimately causes harm inside the forum state, sufficiently manifesting an intent to submit to the jurisdiction of the state for purposes of specific personal jurisdiction limited to causes of action related to or arising from the defendant's contacts with the forum state.

For purposes of a court's exercise of specific personal jurisdiction over a defendant,¹ limited to causes of action related to or arising from the defendant's contacts with the forum state,² the courts may apply a "stream of commerce" test for the defendant's contacts with the forum state.³ In stream of commerce cases, a nonresident defendant, acting outside the forum state, places in the stream of commerce a product that ultimately causes harm inside the forum state.⁴ The principal inquiry in determining whether jurisdiction exists when a defendant places goods into the stream

of commerce with the expectation that they will be purchased by consumers within the forum state is whether the defendant's activities manifest an intention to submit to the power of a sovereign.⁵ A defendant's transmission of goods permits the exercise of jurisdiction only if the defendant can be said to have targeted the forum.⁶

CUMULATIVE SUPPLEMENT

Cases:

Nonresident vehicle manufacturer's substantial business in two forum States, which included advertising, selling, and servicing vehicle models that allegedly were defective, constituted sufficient contacts with forum States, so that due process would allow specific personal jurisdiction for products liability suits brought in forum States by the estate of a resident driver or by a resident passenger, relating to accidents in which the vehicles allegedly malfunctioned in a forum State. [U.S. Const. Amend. 14. Ford Motor Company v. Montana Eighth Judicial District Court, 141 S. Ct. 1017 \(2021\).](#)

Nonresident consumers' products liability claims against nonresident prescription drug manufacturer were not connected to California, and, thus, due process did not permit exercise of specific personal jurisdiction over claims there; nonresident consumers were not prescribed drug in California and did not purchase, ingest, or become injured by drug there, mere fact that resident consumers were prescribed, obtained, and ingested drug in California and sustained same alleged injuries as nonresident consumers was an insufficient basis to exercise specific jurisdiction, and neither manufacturer's actions in conducting research unrelated to drug in California nor its decision to contract with a California company to distribute drug nationally were enough to exercise specific jurisdiction. [U.S.C.A. Const. Amend. 14. Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\).](#)

Negligence and products liability claims by Oklahoma resident, who was diagnosed with mesothelioma after alleged exposure to nonresident manufacturer's asbestos-containing drywall joint compound at Oklahoma construction sites, arose out of or related to manufacturer's contacts with Oklahoma, as would support exercise of specific personal jurisdiction consistent with due process; manufacturer's sales to Oklahoma consumers were not isolated, but rather related to its efforts to serve the market for asbestos joint compound in Oklahoma, manufacturer's contacts with Oklahoma regarded only sale of its drywall product, resident's cause of action related to those contacts, and no direct link was required between manufacturer's sales to Oklahoma buyers and resident's exposure. [U.S. Const. Amend. 14, § 1. Galier v. Murco Wall Products, Inc., 2022 OK 85, 528 P.3d 293 \(Okla. 2022\), cert. denied, 143 S. Ct. 1086 \(2023\).](#)

[END OF SUPPLEMENT]

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Footnotes

- 1 § 47.
- 2 U.S.—*D'Jamoos ex rel. Estate of Weingeroff v. Pilatus Aircraft Ltd.*, 566 F.3d 94 (3d Cir. 2009).
Cal.—*In re Automobile Antitrust Cases I and II*, 135 Cal. App. 4th 100, 37 Cal. Rptr. 3d 258 (1st Dist. 2005).
Tex.—*Spir Star AG v. Kimich*, 310 S.W.3d 868 (Tex. 2010).
As to business contacts for specific personal jurisdiction, generally, see § 51.
Not relevant to general personal jurisdiction
Tex.—*Grupo TMM, S.A.B. v. Perez*, 327 S.W.3d 357 (Tex. App. Houston 14th Dist. 2010).
A.L.R. Library
Products liability: personal jurisdiction over nonresident manufacturer of component incorporated in another product, 69 A.L.R.4th 14.
Applicability, to actions not based on products liability, of state statutes or rules of court predicated in personam jurisdiction over foreign manufacturers or distributors upon use of their goods within state, 20 A.L.R.3d 957.
Products liability: In personam jurisdiction over nonresident manufacturer or seller under "long-arm" statutes, 19 A.L.R.3d 13.
- 3 U.S.—*Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).
- 4 U.S.—*Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).
- 5 U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (per J. Kennedy with three justices concurring and two justices concurring in judgment); *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980).
Vt.—*State v. Atlantic Richfield Co.*, 2016 VT 22, 2016 WL 556174 (Vt. 2016).
- 6 U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (per J. Kennedy with three justices concurring and two justices concurring in judgment).